

ASSEMBLY BILL

No. 2027

**Introduced by Assembly Member Blumenfield
(Principal coauthor: Assembly Member Torlakson)**

February 17, 2010

An act to add Section 46300.8 to the Education Code, relating to online education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2027, as introduced, Blumenfield. Online education: school attendance.

Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on the average daily attendance of pupils at the schools operated by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance.

This bill, commencing with the 2011–12 fiscal year, would provide that school districts and county offices of education that offer online education courses may claim one day of attendance toward average daily attendance on the basis of the attendance at a class or classes in a classroom-based setting of a pupil taking at least one high-quality online course that satisfies prescribed criteria.

The bill would require the State Board of Education to submit a report including its recommendations on prescribed topics relating to online education to the Legislature and the Governor on or before July 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 46300.8 is added to the Education Code, to read:

46300.8. (a) Commencing with the 2011–12 fiscal year, a school district or county office of education may claim one day of attendance toward average daily attendance on the basis of a pupil's attendance at a class or classes in the classroom-based setting on that day, if all of the following apply:

(1) The pupil is enrolled in grade 9, 10, 11, or 12.

(2) The pupil is enrolled for at least the minimum school day in classes that include both one or more courses in a classroom-based setting and one or more courses that are offered through an online program.

(3) Each online course in which the pupil is enrolled is a high-quality online course.

(b) For the purposes of this section, a high-quality online course is defined as an online course that meets all of the following requirements:

(1) The online course is approved by the governing board of the school district.

(2) The online course is certified, through board resolution, by the governing board of the school district to meet these requirements.

(3) The teacher of an online course is online and accessible to the pupil on a daily basis to respond to pupil queries, assign tasks, and dispense information, though the teacher's interaction with the pupil may be asynchronous or synchronous in nature.

(4) The ratio of full-time equivalent certificated teachers teaching through online instruction to pupils engaging in that instruction is substantially equivalent to the ratio of teachers to pupils in traditional in-classroom study of the same subject matter.

(5) A teacher may teach pupils in one or more online courses pursuant to this section only if the teacher concurrently teaches the same course to pupils in a traditional in-classroom setting in the providing school district or did so at any time within the immediately preceding two-year period.

(6) The subject matter content is the same for the online course as for the traditional classroom-based course.

1 (7) A teacher teaching in an online classroom program holds
2 the appropriate subject matter credential.

3 (8) A school district offering an online course may contract with
4 another school district to provide the online course to pupils of the
5 offering school district. Contract terms shall be determined by
6 mutual agreement of the school districts. School districts that
7 provide online courses pursuant to the contract shall contract
8 directly with the school district of the school site offering the online
9 course, and shall not enter into direct contracts with the pupils of
10 the offering school district.

11 (9) Statewide testing results for online pupils are reported to
12 the school district in which the pupil is enrolled for regular
13 in-classroom courses.

14 (10) The online instruction is offered by a high school.

15 (11) A pupil is not assigned to an online course pursuant to this
16 section unless the pupil voluntarily elects to participate in the
17 online course. The parent or guardian of the pupil provides written
18 consent before the pupil participates in an online course.

19 (12) The school district of a school site that offers online
20 classroom programs pursuant to this section verifies that online
21 pupils take examinations by proctor or that other reliable methods
22 are used to ensure test integrity and that there is a clear record of
23 pupil work, using the same method of documentation and
24 assessment as in a classroom-based course.

25 (13) A school district of a school site that offers online
26 classroom programs pursuant to this section maintains records to
27 verify the time that a pupil spends online and related activities in
28 which a pupil is involved. The school district also maintains records
29 verifying the time the instructor is online.

30 (c) Attendance accounted for pursuant to subdivision (a) and
31 compliance with the requirements of subdivision (b) are subject
32 to the audit conducted pursuant to Section 41020.

33 (d) No provision of this section may be waived unless the waiver
34 is specifically authorized in statute.

35 SEC. 2. (a) The State Board of Education shall submit a report
36 relating to online education to the Legislature and the Governor.
37 The report shall include, but not necessarily be limited to, the
38 recommendations of the State Board of Education relating to all
39 of the following:

40 (1) Standards for online education.

1 (2) The inclusion of online education in curriculum frameworks
2 to ensure that pupils have the opportunity to experience online
3 education.

4 (3) Changes in the Education Code necessary to facilitate online
5 education opportunities.

6 (b) The State Board of Education shall submit the report required
7 by this section to the Legislature and the Governor on or before
8 July 1, 2012.

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